

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Edgar Michael Fitzsimons  
Group Art Unit: 2178  
Serial No.: 09/932,656  
Examiner: Matthew J. Ludwig  
Filed: August 17, 2001  
For: OBSERVATION OPTICAL SYSTEM AND OPTICAL APPARATUS

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**RESPONSE TO ELECTION REQUIREMENT**

In response to the Official Action dated December 15, 2004, in which the pending claims 1-104 were subject to an Restriction Requirement, Applicant submits the following:

In the Official Action, restriction under 35 U.S.C. §121 is required to one of the following groups of inventions:

- Group I. Claims 1-18, drawn to creating page elements and transforming page elements utilizing a transformation table, classified 715/523.
- Group II Claim 19-104, drawn to web interface for a database, classified in 707/3.

Applicant provisionally elects Group II, which relates to claims 19-104 for prosecution on the merits. This election is made with traverse, as Applicants submit that there is no undue burden to search the application as presented. Accordingly, it is respectfully submitted that the election requirement should be withdrawn and an action on the merits is respectfully requested .

Should the Restriction and/or Election Requirement be made final, Applicants expressly reserve the right to represent the non-elected claims (i.e., claim 1-18) in a divisional

application, if necessary.

In conjunction with this election, Applicants offer the following remarks:

As set forth in detail in paragraph three (3) of the Restriction Requirement, it is the Examiner's position that restriction for examination purposes as indicated is proper because the inventions I and II are related as sub-combinations disclosed as usable together in a single combination. Applicant disagrees with the Examiner's characterization of the claimed inventions in the grouping identified by the Examiner and their respective relationship to each other as stated and make the above election with traverse.

According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; **and**
- (2) There must be serious burden on the examiner if restriction is not required.

Applicant respectfully submits that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching would not be required; and (3) all claims should be examined together. For example, claims 19 and 20 are dependent on preceding claims from Group 1 and as such are more related to Group I. Also, both groups of claims concern transformation of page elements and attributes and as such are related.

Therefore, the Examiner has not shown that examination of all the pending claims would require undue searching and/or place a serious burden on the Examiner, which is the required showing for proper issuance of a restriction requirement. Applicants respectfully traverse the requirement for restriction at least on the grounds that searching any both of these groups of inventions would not be unduly burdensome and, in fact, would be necessary to ensure

a complete and exhaustive search for a proper examination on the merits of either of the identified alleged Groups of Inventions should include directed to at least each of the other inventions as grouped in the Office Action.

Accordingly, Applicants respectfully submit that the Requirement for Restriction is improper for at least this reason, and request that the Restriction Requirement be withdrawn and all filed claims be examined on the merits.

In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided. Although no extensions of time are believed necessary for the timely consideration of this Response, Applicants hereby petition for any extensions of time as deemed necessary by the Commissioner. Furthermore, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account 13-4500, order no. 4301-4001. A duplicate of this sheet is attached.

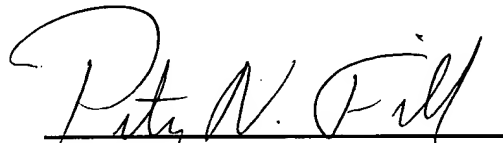
An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,

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Dated: April 26, 2005

By:



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